

IN THE
UNITED STATES DISTRICT COURT
FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED-ED4
MAY -9 PM12:58
U.S. DISTRICT COURT

ANDREW KEARNEY,

Plaintiff,

v.

MICHAEL KEARNEY,

Defendants.

01C 3398 DOCKETED
MAY 10 2001

No.

Judge

JUDGE HIBBLER

JURY DEMANDED

MAGISTRATE JUDGE BOBRICK

COMPLAINT FOR BREACH OF FIDUCIARY DUTY

NOW COMES the Plaintiff, Andrew Kearney ("ANDREW"), by and through his attorney, Steven A. Miner, and for his Complaint for Breach of Fiduciary Duty against the Defendant, Michael Kearney, ("MICHAEL"), states as follows:

PARTIES

1. MICHAEL is an Illinois resident who presently resides in Northbrook, Illinois. At the time of the alleged misuse of funds, MICHAEL was residing in the State of New York.
2. ANDREW is the Plaintiff in the underlying action against MICHAEL. ANDREW is a resident of the State of Arizona, an adult who is over the age of twenty-one (21).
3. ANDREW and MICHAEL, while estranged, are father and son.

JURISDICTION

4. Jurisdiction is proper under 18 U.S.C. section 1961 et seq. and there is diversity jurisdiction pursuant to 28 U.S.C. section 1335 with a claim in excess of fifty thousand dollars (\$50,000.00) and ANDREW residing in Arizona and MICHAEL residing in Illinois.

VENUE

5. Venue is proper in the Northern District of Illinois as MICHAEL resides in the Northern District of Illinois. 18 U.S.C. section 1965.

FACTS

6. MICHAEL was holding funds on behalf of ANDREW pursuant to the Uniform Gifts to Minor Acts. Said funds were held at various financial institutions.

7. Upon ANDREW's attainment of his twenty-first (21st) birthday, MICHAEL refused to relinquish said funds to ANDREW.

8. Instead of relinquishing said funds to ANDREW, MICHAEL engaged in a pattern of activity whereby MICHAEL formed an enterprise with the brokerage firm, within the meaning of the statute for the purpose of investing said funds. MICHAEL then exerted dominion and control over said enterprise for the purpose of investing said funds, allegedly for the benefit of ANDREW when in fact the funds inured to the benefit of MICHAEL. ANDREW had no knowledge that MICHAEL had misused said funds.

9. Then on more than two occasions, MICHAEL committed mail and wire fraud by withdrawing said funds that were established under the Uniform Gifts to Minor's Act for the benefit of ANDREW and using said funds for his own benefit.

10. As an example, MICHAEL established an account at the Republic National Bank of New York, account no. 9701787559. MICHAEL wrote a check from said account, no. 105 to pay MICHAEL's credit card bill in the amount of \$1,204.44 in December of 1997. MICHAEL then wrote checks to pay his personal bills in the amounts of \$3,424.89 and \$3,341.85 in February of 1998. On information and belief the account had more than fifteen thousand dollars (\$15,000.00) in it and MICHAEL has completely misused said funds. Copies of some of the statements and checks are attached hereto and made a part hereof.

11. MICHAEL has admitted under oath in an ancillary proceeding that he misused said funds and demand was made to pay said funds back. MICHAEL was directed to send a check

for said funds to ANDREW in care of his uncle, who is an attorney in St. Louis, and who would represent him in this matter. MICHAEL refused and attempted to use this opportunity to obtain information as to ANDREW's whereabouts, even though ANDREW did not want the information of his residence revealed to MICHAEL. MICHAEL then stated that if provided with ANDREW's home residence address, he would send the funds directly to ANDREW. MICHAEL was provided with said address several months ago but persists in refusing to remit said funds which MICHAEL has admittedly misappropriated.

12. MICHAEL has breached his fiduciary duty and has been negligent.

13. On information and belief, MICHAEL has not reported the misappropriated funds for Federal and Illinois State income tax purposes.

14. On information and belief, MICHAEL has misappropriated Uniform Gift to Minor Act funds of another child who is estranged, i.e. inquiries have been made as to the whereabouts but MICHAEL refuses to divulge information regarding those funds.

15. Given the nature of the violation, ANDREW is entitled to treble damages and the recovery of his attorney's fees and costs.

Count I. Negligence

16. MICHAEL had a duty as custodian of said account to act as a prudent custodian.

17. MICHAEL breached that duty to ANDREW.

18. As a result of MICHAEL's intentional breach of duty, ANDREW has suffered monetary injury with is the actual and proximate cause of MICHAEL's actions.

19. ANDREW has been damaged in an amount in excess of fifty thousand dollars (\$50,000.00).

20. The actions of MICHAEL were intentional.

WHEREFORE the Plaintiff, Andrew Kearney, prays for the entry of a Judgment against the Defendant, Michael Kearney, as follows:

A. For a Judgment in excess of fifty thousand dollars (\$50,000.00).

- B. For attorney's fees and costs.
- C. For punitive damages.
- D. For such other and further relief as this Court deems just and equitable.

Count II. Breach of Fiduciary Duty

1-20. ANDREW adopts and realleges paragraphs one through twenty of Count I as paragraphs one through twenty of this Count II as though fully set forth herein.

21. MICHAEL had a fiduciary relationship with ANDREW as the custodian of the account.

22. MICHAEL breached that duty to ANDREW which has resulted in a financial loss to ANDREW.

WHEREFORE the Plaintiff, Andrew Kearney, prays for the entry of a Judgment against the Defendant, Michael Kearney, as follows:

- A. For a Judgment in favor of Andrew Kearney and against Michael Kearney in excess of fifty thousand dollars (\$50,000.00).
- B. For attorney's fees and costs.
- C. For punitive damages.
- D. For such other and further relief as this Court deems just and equitable.

Count III. Conversion

1-22. ANDREW adopts and realleges paragraphs one through twenty-two of Count II as paragraphs one through twenty-two of this Count III as though fully set forth herein.

23. MICHAEL exerted dominion and control over the funds of ANDREW after such time as the funds were to be turned over to ANDREW.

24. MICHAEL intended to exert dominion and control over said funds and used said funds for the payment of MICHAEL's personal finances, knowing that the funds did not belong to him.

25. MICHAEL wrongfully acquired said funds.

26. As a result of MICHAEL's conversion of said funds, ANDREW has been deprived of the use of said funds.

WHEREFORE the Plaintiff, Andrew Kearney, prays for the entry of a Judgment against the Defendant, Michael Kearney, as follows:

- A. For a Judgment in favor of Andrew Kearney and against Michael Kearney in an amount in excess of fifty thousand dollars (\$50,000.00).
- B. For attorney's fees and costs.
- C. For punitive damages.
- D. For such other and further relief as this Court deems just and equitable.

Count IV . R.I.C.O.

1-26. ANDREW adopts and realleges paragraphs one through twenty-six of Count III as paragraphs one through twenty-six of this Count IV as though fully set forth herein.

WHEREFORE the Plaintiff, Andrew Kearney, prays for the entry of a Judgment against the Defendant, Michael Kearney, as follows:

- A. For a Judgment in favor of Andrew Kearney and against Michael Kearney for all sums misappropriated by Michael Kearney which were to be given to Andrew Kearney.
- B. That the damages against Michael Kearney and in favor of Andrew Kearney be trebled.
- C. For attorney's fees and costs incurred.
- D. For such other and further relief as this Court deems just and equitable.

Count V. Punitive Damages

1-26. ANDREW adopts and realleges paragraphs one through twenty-six of Count IV as paragraphs one through twenty-six of this Court V as though fully set forth herein.

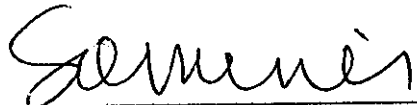
27. MICHAEL intentionally violated the terms of his fiduciary obligation to ANDREW.

28. MICHAEL has refused to pay back the sums and has forced ANDREW to seek redress through the legal system.

WHEREFORE the Plaintiff, Andrew Kearney, prays for the entry of a Judgment against the Defendant, Michael Kearney, as follows:

- A. For a Judgment of punitive damages in favor of Andrew Kearney and against Michael Kearney.
- B. For attorney's fees and costs.
- C. For such other and further relief as this Court deems just and equitable.

Andrew Kearney

by 
Attorney for Plaintiff

Steven A. Miner
28 Rolling Hills Drive
Barrington Hills, Ill. 60010
847 551-3135


REPUBLIC NATIONAL BANK OF NEW YORK

 Member F.D.I.C.
 DIRECT INQUIRIES TO:

 415 MADISON AVENUE
 NEW YORK NY 10017-1161

* ZERO PACKING COUNT *

C

0-09

R033

 ANDREW KEARNEY / CHILD
 MICHAEL KEARNEY / CUSTODIAN
 2515 PEACHTREE LANE

NORTHBROOK IL 60062

 STATEMENT DATE: 07/09/97
 ACCOUNT NUMBER: 9701787559
 PAGE NUMBER: 1

 DURING JULY OR AUGUST YOUR STATEMENT MAY COVER A
 SIGNIFICANTLY SHORTER PERIOD THAN USUAL. THIS IS A ONE TIME
 OCCURRENCE WHILE WE ADJUST YOUR STATEMENT DATES.

SERVICES SUMMARY	SERVICE	ACCOUNT NO.	BALANCE
	PERSONAL IMMA	8701787559	10,183.19
SUMMARY	PREVIOUS BALANCE AS OF 06-08-97		10,138.18
	1 DEPOSITS AND OTHER CREDITS FOR		25.03
	0 CHECKS AND OTHER DEBITS FOR		0.00
	CLOSING BALANCE AS OF 07-09-97		10,183.19

DEPOSITS/ CREDITS	DESCRIPTION	DATE	AMOUNT
	INTEREST PAID	07-08	25.03

DAILY BALANCES	DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
	07-09	10,183.19				

ANNUAL INTEREST RATE(S) IN EFFECT	DATE	RATE	DATE	RATE	DATE	RATE
	08-09	3.000 %				

ANNUAL INTEREST RATE REMAINS IN EFFECT UNTIL RATE CHANGE IS INDICATED.

ADDITIONAL INFORMATION	ANNUAL PERCENTAGE YIELD EARNED FOR THIS PERIOD WAS:	
	YOUR YEAR-TO-DATE INTEREST PAID IS	3.00
		\$146.87

YOUR AVERAGE DAILY AVAILABLE BALANCE FOR THE CYCLE PERIOD WAS \$10,138.83

415 MADISON AVENUE
NEW YORK NY 10017-1161

1-05
ANDREW KEARNEY / CHILD
MICHAEL KEARNEY / CUSTODIAN
2515 PEACHTREE LANE
NORTHBROOK IL 60062

RO33
STATEMENT DATE: 01/08/98
ACCOUNT NUMBER: 9701787559
PAGE NUMBER: 1

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CALL 1-800-REPUBLIC, STOP BY ANY REPUBLIC BRANCH OR CHECK
OUT OUR WEB SITE AT WWW.RNB.COM/PC

SUMMARY
PERSONAL TMA
PREVIOUS BALANCE AS OF 12-05-97 7,934.61
1 DEPOSITS AND OTHER CREDITS FOR 21.81
1 CHECKS AND OTHER DEBITS FOR 1,204.44
CLOSING BALANCE AS OF 01-08-98 6,751.98

DEPOSITS/
CREDITS
INTEREST PAID
DATE
AMOUNT
01-08 21.81

CHECKS/ DEBITS/ CHARGES	CHECK NUMBER	DATE	AMOUNT	CHECK NUMBER	DATE	AMOUNT	CHECK NUMBER	DATE	AMOUNT
	105	01-05	1,204.44						
DAILY BALANCES		DATE	BALANCE		DATE	BALANCE		DATE	BALANCE
		01-05	6,730.17		01-08	6,751.98			
ANNUAL INTEREST PAID(S) IN EFFECT		DATE	RATE		DATE	RATE		DATE	RATE
		12-05	3.000 %						

ANNUAL INTEREST RATE REMAINS IN EFFECT UNTIL RATE CHANGE IS INDICATED.
3.05%
ADDITIONAL
INFORMATION
ANNUAL PERCENTAGE YIELD EARNED FOR THIS PERIOD WAS: 3.05%
YOUR YEAR-TO-DATE INTEREST PAID IS \$21.81
YOUR AVERAGE DAILY AVAILABLE BALANCE FOR THE CYCLE PERIOD WAS \$7,792.97
INTEREST EARNED FOR 1997 WAS: \$270.35

415 MADISON AVENUE
NEW YORK NY 10017-1161

A C

1-05

ANDREW KEARNEY / CHILD
MICHAEL KEARNEY / CUSTODIAN
2515 PEACHTREE LANE
NORTHBROOK IL 60062

R013

STATEMENT DATE: 02/06/98
ACCOUNT NUMBER: 9701787559
PAGE NUMBER: 1

NORTHBROOK IL 60062

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SERVICES
SUMMARY

PERSONAL, IMMA

PREVIOUS BALANCE AS OF 01-08-98

9701787559

ACCOUNT NO.

3,424.87
14.74
6,751.98

SURMARY

1 DEPOSITS AND OTHER CREDITS FOR
1 CHECKS AND OTHER DEBITS FOR

3,424.87
14.74
6,751.98

CLOSING BALANCE AS OF 02-06-98

DATE

AMOUNT

DEPOSITS/
CREDITS

DESCRIPTION

DATE

AMOUNT

INTEREST PAID

CHECKS/
DEBITS/
CHARGES

CHECK
NUMBER

DATE

AMOUNT

CHECK
NUMBER

DATE

AMOUNT

CHECK
NUMBER

DATE

AMOUNT

DAILY
BALANCES

DATE

BALANCE

DATE

BALANCE

DATE

BALANCE

ANNUAL INTEREST
RATE(S) IN EFFECT

DATE

RATE

DATE

RATE

DATE

RATE

ANNUAL INTEREST RATE REMAINS IN EFFECT UNTIL RATE CHANGE IS INDICATED.

3.05%

ADDITIONAL
INFORMATION

ANNUAL PERCENTAGE YIELD EARNED FOR THIS PERIOD WAS:
YOUR YEAR-TO-DATE INTEREST PAID IS

\$6,175.44

YOUR AVERAGE DAILY AVAILABLE BALANCE FOR THE CYCLE PERIOD WAS \$270.35
INTEREST EARNED FOR 1997 WAS: \$36.55

415 MADISON AVENUE
NEW YORK NY 10017-1161

A C

1-05

ANDREW KEARNEY / CHILD
MICHAEL KEARNEY / CUSTODIAN
2515 BEACHTERR LANE
NORTHBROOK IL 60062

R033

STATEMENT DATE: 03/06/98
ACCOUNT NUMBER: 9701787559
PAGE NUMBER: 1

BANK WITH YOUR COMPUTER-SIGN UP FOR PC TOUCH BANKING TODAY!
CALL 1-800-REPUBLIC, STOP BY ANY REPUBLIC BRANCH OR CHECK
OUT OUR WEB SITE AT WWW.RNB.COM/PC

SERVICES

PERSONAL INK®

PREVIOUS BALANCE AS OF 02-06-98

0.00
3,424.87

0 DEPOSITS AND OTHER CREDITS FOR
1 CHECKS AND OTHER DEBITS FOR

0.00
3,424.87

CLOSING BALANCE AS OF 03-06-98

0.00

CHECKS/
DEBITS/
CHARGES

CHECK NUMBER	DATE	AMOUNT	CHECK NUMBER	DATE	AMOUNT	CHECK NUMBER	DATE	AMOUNT
107	03-02	3,424.87						
DAILY BALANCES	DATE	BALANCE	DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
	02-27	3,424.87		03-02	0.00			

ANNUAL INTEREST
RATE(S) IN EFFECT

02-06 3.000 % 02-27 2.750 %

ANNUAL INTEREST RATE REMAINS IN EFFECT UNTIL RATE CHANGE IS INDICATED.

ADDITIONAL INFORMATION YOUR YEAR-TO-DATE INTEREST PAID IS

0.00 %
\$36.55

YOUR AVERAGE DAILY AVAILABLE BALANCE FOR THE CYCLE PERIOD WAS \$2,812.57

INTEREST EARNED FOR 1997 WAS \$270.35

FOR DEPOSIT ONLY
MICHAEL J. KEARNEY AS CUSTODIAN FOR
ANDREW KEARNEY
187 Weaver Street
Greenwich, CT 06830
1-442/210
BRANCH 33
105
DATE 12/27/97
AMOUNT \$1,204.44
First Card
REPUBLIC NATIONAL BANK OF NEW YORK
615 MADISON AVENUE
NEW YORK, NY 10017
BRANCH 33
MICHAEL J. KEARNEY

FOR DEPOSIT ONLY
FRANK CUSUMANO
7000 SAT PKWY
BROOKLYN, NY 11204
1-442/210
BRANCH 33
107
DATE 12/31/97
AMOUNT \$75.00
First Card
REPUBLIC NATIONAL BANK OF NEW YORK
615 MADISON AVENUE
NEW YORK, NY 10017
BRANCH 33
FRANK CUSUMANO

[illegible]

61 0298

106-3040-165-1618
00007200
00048230 0291

MICHAEL J. KEARNEY AS CUSTODIAN FOR
ANDREW KEARNEY
187 Western Street
Cleveland, OH 44130

Feb. 24 1998

First Card \$3,424.00

Order of
The Board of Directors of the First National Bank of New York

REPUBLIC NATIONAL BANK OF NEW YORK
111 NASSAU ST. NEW YORK, NY 10038
BRANCH 18

00210048230 97017875590 00000003424875

11183

SHARON R. AMATO

First Card \$350.00

DATE FEB 25 98

BRANCH 18

022898 086 0607
043 0205
059525 .55 000000

022898 172 0607
043 0205
059525 .55 000000

2/28/98

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DEFENDANTS

DOCKETED

MAY 10 2001

Andrew Kearney

JUDGE HIBBLER

MAGISTRATE JUDGE BOBRICK

Michael Kearney

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Tempe, Arizona
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Northbrook, Cook
(IN U.S. PLAINTIFF CASES ONLY) County, Ill.
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Steven A. Miner
28 Rolling Hills Drive
Barrington Hills, Ill. 60010
847 551-3135

ATTORNEYS (IF KNOWN)

01C 3398

U.S. DISTRICT COURT
CLERK
MAY -9 PM
FILED-ED

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State ☐ 1 ☒ 2 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 5
Citizen of Another State ☒ 2 ☐ 3 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 6
Citizen or Subject of a Foreign Country ☐ 3 ☐ 6 Foreign Nation ☐ 6 ☐ 6

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Selective Service <input type="checkbox"/> 490 Securities/Commodities/Exchange <input type="checkbox"/> 495 Customer Challenge 12 USC 3410 <input type="checkbox"/> 501 Agricultural Acts <input type="checkbox"/> 502 Economic Stabilization Act <input type="checkbox"/> 503 Environmental Matters <input type="checkbox"/> 504 Energy Allocation Act <input type="checkbox"/> 505 Freedom of Information Act <input type="checkbox"/> 500 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 550 Constitutionality of State Statutes <input type="checkbox"/> 590 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 CMI Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7608

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

18 U.S.C. 1961 et seq. and 28 U.S.C. 1335

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

50,000.00

CHECK YES only if demanded in complaint

JURY DEMAND:

☒ YES ☐ NO

VIII.

This case

- ☒ is not a refiling of a previously dismissed action.
☐ is a refiling of case number _____, previously dismissed by Judge _____

SIGNATURE OF ATTORNEY OF RECORD

DATE

9may01

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

In the Matter of

Andrew Kearney v. Michael Kearney

**JUDGE HIBBLER
MAGISTRATE JUDGE BOBRICK**

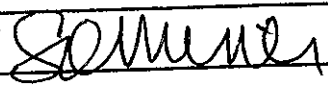
Case Number:

01C 339 8

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

DOCKETED

MAY 10 2001

(A)	(B)
SIGNATURE 	SIGNATURE
NAME Steven A. Miner	NAME
FIRM	FIRM
STREET ADDRESS 28 Rolling Hills Drive	STREET ADDRESS
CITY/STATE/ZIP Barrington Hills, Ill. 60010	CITY/STATE/ZIP
TELEPHONE NUMBER 847 551-3135	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>
	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>
(C)	(D)
SIGNATURE	SIGNATURE
NAME	NAME
FIRM	FIRM
STREET ADDRESS	STREET ADDRESS
CITY/STATE/ZIP	CITY/STATE/ZIP
TELEPHONE NUMBER	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>